

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
FOAMEX INTERNATIONAL, INC.,)	Case No. 05-12685 (KG)
<u>et al.</u> ,)	
)	Jointly Administered
Debtors.)	
)	

NOTICE OF APPEAL OF GUNGOR M. SOLMAZ AND DIANA M. SOLMAZ

Pursuant to 28 U.S.C. 158(a), Gungor M. Solmaz and Diana M. Solmaz appeal the Order sustaining in part the Debtors' Supplemental Objection to the Claim of Gungor M. Solmaz and Diana M. Solmaz dated May 16, 2007 and entered on the docket on May 16, 2007 (Docket No. 2502) by the United States Bankruptcy Court for the District of Delaware, Judge Kevin Gross, a copy of which is attached as Exhibit A.

The names of all parties to the judgment, order or decree appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

PARTY	ATTORNEYS
Counsel for Gungor M. Solmaz and Diana M. Solmaz	Michael G. Busenkell (Bar No. 3933) Eckert Seamans Cherin & Mellott, LLC 300 Delaware Avenue, Suite 1210 Wilmington, Delaware 19801 Telephone: (302) 425-0430 Facsimile: (302) 425-0432

Counsel for Foamex International, Inc., <u>et al.</u> ,	Joseph M. Barry (Bar No. 4368) Young Conaway Stargatt & Taylor LLP 1000 West Street, Suite 1700 Wilmington, Delaware 19801 Telephone: (302) 571-6600 Facsimile: (302) 571-1253 Alan W. Kornberg, Esquire Brian S. Hermann, Esquire Paul, Weiss, Rifkind, Wharton & Garrison LLP 1285 Avenue of the Americas New York, NY 10019-6064 Telephone: 212-373-3000 Facsimile: 212-757-3990
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Dated: May 21, 2007

ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: 

Michael G. Busenkell (Bar No. 3933)
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(302) 425-0430

Attorney for Gungor M. Solmaz and Diane M. Solmaz

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)	Chapter 11
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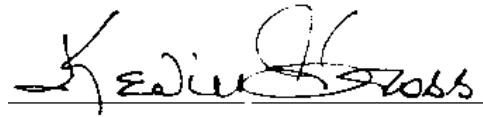
ORDER

WHEREAS, the Court took under advisement the Debtors' Supplemental Objection to the Claim of Gungor M. Solmaz and Diana M. Solmaz (the "Objection") (D.I. 2180) addressing the claim of Gungor M. Solmaz and Diana M. Solmaz (the "Claimants"), and following oral argument and the written submissions of Debtors and the Claimants and the Court's careful consideration of the parties' arguments,

For the reasons set forth in the accompanying opinion IT IS ORDERED THAT:

1. The Objection is sustained in part. Claimants are allowed an unsecured claim in the amount of \$13,477.58 for unpaid rent and \$10,994.93 for unpaid taxes.
2. Following an evidentiary hearing, the Court will determine if Claimants are entitled to any additional amount for damages to the leasehold premises, subject to the terms of the Leases and the statutory cap on damages provided by 11 U.S.C. § 502(b)(6).

DATE: May 16, 2007
Wilmington, Delaware



KEVIN GROSS, U.S.B.J.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: _____ ☐ BK ☐ AP
If AP, related BK Case Number: _____

Title of Order Appealed:

Docket Number: _____ Date Entered: _____

Item Transmitted: ☐ Notice of Appeal ☐ Motion for Leave to Appeal
☐ Amended Notice of Appeal ☐ Cross Appeal
Docket Number: _____ Date Filed: _____

*Appellant/Cross Appellant:

*Appellee/Cross Appellee

Counsel for Appellant:

Counsel for Appellee:

**If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☐ Yes ☐ No

IFP Motion Filed by Appellant? ☐ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☐ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # _____

Additional Notes:

Date

By: _____
Deputy Clerk

Bankruptcy Court Appeal (BAP) Number: _____
7/6/06

FOR USE BY U.S. BANKRUPTCY COURT